



## MARY ALEXANDER & ASSOCIATES, P.C.

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January 8, 2016

The Honorable Charles R. Breyer  
United States District Court  
Northern District of California  
450 Golden Gate Avenue, Courtroom 6  
San Francisco, CA 94102

Re: *In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2672 CRB (JSC)

Dear Judge Breyer:

As counsel for three class actions pending in the Volkswagen "Clean Diesel" MDL, including one corporate plaintiff, I respectfully request appointment to the Plaintiffs' Steering Committee.

**(1) Professional Experience in Multidistrict or Complex Litigation.** I am the Principal of Mary Alexander & Associates, P.C., specializing in personal injury, products liability and business litigation. Before law school, I obtained a BA in biology, with a minor in chemistry, and a Masters of Public Health from U.C. Berkeley. For five years, I worked as a scientist and a Director of Environmental and Occupational Health at Stanford Research Institute. This science background has served well in prosecuting mass tort and product liability cases.

My firm has been involved, including leadership and liaison counsel roles, in the following product liability, tort and complex cases in California:

- People of the State of California v. Atlantic Richfield Co., et al., Santa Clara County Superior Court, Case No. 1-00-CV-788657 (in 2013, as co-lead counsel, I tried the Lead Paint case before the Hon. James P. Kleinberg (Ret.), listed below as a reference, and achieved a judgment of \$1.15 billion, which will help prevent lead-poisoning of children throughout the state)
- Hall v. Curry Company, Fresno Superior Court, Case No. 334123-7 (trial of catastrophic product liability case resulting in record verdict of \$13.3 million in Fresno before the Hon. Nickolas Dibiaso (Ret.), listed below as a reference)
- In Re: Diet Drug Litigation (Fen-Phen) II, Los Angeles Superior Court, J.C.C.P. 4032 (co-counsel for 164 Plaintiffs; member of the Plaintiffs' Litigation Committee for thousands of cases; and trial before the Hon. Daniel Solis Pratt, listed below as a reference)
- Roth v. Division 1 All Service, Inc., et al., San Mateo County Superior Court, Case No. 468850 (trial resulting in \$45 million judgment)
- In Re Brocade Communications Systems, Inc., USDC ND Cal., Case No. C05-02233 CRB (before your Honor)
- In Re: Surgical Sutures II (Ethicon), Alameda County Superior Court, J.C.C.P. 4148 (co-counsel for 20 Plaintiffs)

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- Clinton O. Walden v. Johnson & Johnson, et al. (knee implants) USDC New Jersey, Case No. 03-CV-3285 (along with 33 other individual actions)
- Ara Hazarian, et al. v. Showa Denko, et al. (L-Tryptophan supplement) San Francisco Superior Court, Case No. 9255578
- In Re: Vioxx Products Liability Litigation, USDC Eastern District of Louisiana, MDL 1657
- Marie-Paule Spieser v. the Attorney General of Canada, Superior Court (Class Action Division) Province of Quebec, Case No. 200-06-000038-037
- Dalkon Shield Cases
- Tenet Healthcare Cases II, Los Angeles Superior Court, J.C.C.P. No. 4289
- Susan Jayne Moran and Nancy Ferreira, et al. v. Tenet Healthcare Corp., San Luis Obispo County Superior Court, Case No. CV 030070
- The Vaccine Cases, Los Angeles Superior Court, J.C.C.P. No. 4246
- Susan Willis v. Rajeev Madhaven, et al. (Magma Design Automation), Santa Clara County Superior Court, Case No. 1-05-CV-054834
- Jacob Sapirstein v. Alan B. Lefkof, et al. (Netopia, Inc.), Alameda County Superior Court, Case No. RGO6253035
- Leslie R. Wachs v. A. Thomas Bender, et al. (The Cooper Companies), Alameda County Superior Court, Case No. RGO6266913
- Michael A. Bernstein Profit Sharing Keogh Plan v. Harold Hughes, et al. (Rambus), USDC Northern California, Case No. 5:06-CV-04346
- Triniia Salehinasab, Derivatively on Behalf of Sanmina-SCI Corporation, Santa Clara County Superior Court, Case No. 06-CV-071786
- Philip Keller, Derivatively on behalf of Nominal Defendant Pegasus Wireless Corporation v. Alex Tsao, et al. & Pegasus Wireless Corporation, Nominal Defendant, Alameda County Superior Court, Case No. RG06-303398
- Kaushik B. Patel, Derivatively on Behalf of Foundry Networks, Inc., Santa Clara County Superior Court, Case No. 1-07-CV-080813
- Eli Alama, Derivatively on Behalf of Hansen Natural v. Sacks, et al., Riverside County Superior Court, Case No. RIC 463968
- In re Intel Corporation Shareholder Derivative Litigation, Santa Clara County Superior Court, Case No. 1-14-CV-261831
- Wright Medical Hip Cases, Los Angeles Superior Court, J.C.C.P. 4710 (co-counsel for 9 Plaintiffs)

**(2) Judicial References.** Each of the following jurists have expressed their willingness and pleasure to speak with Your Honor regarding my leadership abilities, skills in complex/mass tort litigation and ability to work with counsel on both sides. They have provided the best phone numbers to reach them:

Hon. James P. Kleinberg (Ret.), People v. Atlantic Richfield (Lead Paint) – (650) 269-4860  
Hon. Daniel Solis Pratt (Ret.), In Re: Diet Drug Litigation (Fen-Phen) – (714) 348-8425  
Justice Nickolas Dibiaso (Ret.), Hall v. Curry Company – (559) 432-4500  
Justice Edward Panelli (Ret.), California Supreme Court – (408) 499-6776  
Hon. Steven Dylina, San Mateo Sup. Ct., PG&E “San Bruno Fire” Litigation – (650) 261-5607  
Hon. Ronald Sabraw (Ret.), Clergy Cases III – (520) 374-3063  
Hon. Jon S. Tigar, USDC Northern District – (415) 522-2036

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**(3) Willingness and Ability to Commit to the Time-Consuming Process.** From having worked on these types of cases, the firm understands the commitment and time necessary to successfully prosecute this action. We are willing and able to commit as in other matters, including Lead Paint, which has been ongoing for 16 years with three rounds of appeals, and the class action for water pollution cancer cases in the Shannon Class Action since 2010. The firm has committed substantial resources to class actions and mass torts over long periods of time.

**(4) Willingness and Ability to Work Cooperatively with Others.** Throughout my career, I have held many leadership roles and have productively managed and led others in order to accomplish the goals of the organizations and prosecute the cases in which I have had leadership or liaison roles. I understand what it takes to collectively accomplish resolution when there are competing priorities and many tasks to complete. I am willing and able to lead and manage this litigation.

**(5) Access to Resources to Prosecute the Litigation in a Timely Manner.** My firm, consisting of three full-time attorneys, has the resources necessary to prosecute this matter. We often hire additional counsel as needed to work on complex cases to handle such cases expeditiously. My firm is willing to devote the resources necessary to diligently serve on the Plaintiffs' Steering Committee, including conducting discovery, investigation, law and motion and trying this case against the Volkswagen entities.

**(6) Willingness to Serve as Lead Counsel and/or Member of a Steering Committee.** I am respectfully seeking appointment to the Plaintiffs' Steering Committee.

**(7) Category or Categories of Plaintiffs to be Represented.** As counsel in three class actions (two individual vehicle owners and one corporate vehicle owner), it is my preference to represent all plaintiffs. Alternatively, it would be my pleasure to represent all vehicle owners.

**(8) Other Considerations that Qualify Counsel for Leadership Position.** I have an outstanding track record for delivering the best results possible to plaintiffs and consumers for over 33 years. This action would benefit from my extensive scientific knowledge and experience with complex/mass tort litigation, and perspective of an accomplished female trial attorney.

My judicial references, along with my resume, attached as Exhibit A, and my peer recommendations from other counsel with actions in this MDL contained in Exhibit B, speak to my reputation, skill, and credentials that are necessary for this position. I would be honored to serve as a leader in this important litigation.

Respectfully submitted,

MARY ALEXANDER & ASSOCIATES, P.C.

  
MARY E. ALEXANDER, JD, MPH

MEA/jw